

ORDINANCE NO. 7994 (NEW SERIES)

AN ORDINANCE ADDING CHAPTER 7 TO DIVISION 7 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE, RELATING TO GROUNDWATER

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Chapter 7, entitled "GROUNDWATER" is hereby added to Division 7 of Title 6 of the San Diego County Code, to read as follows:

CHAPTER 7
GROUNDWATER

Article 1.

Title, Purpose and Definitions

Sec. 67.701 Short Title.

This chapter shall be known as the San Diego County Groundwater Ordinance.

Sec. 67.702 Purpose and Intent.

San Diego County overlies a complex groundwater resource that varies greatly throughout the entire County. This resource provides the only source of water for approximately 35,000 residents. Development has occurred and will continue to occur within this area, impacting the safe utilization of this valuable, finite and yet renewable resource. The purpose of this chapter is to establish regulations for the protection, preservation, and maintenance of this resource. It is not the purpose of this ordinance to limit or restrict agricultural activities, but to ensure that development will not occur in groundwater-dependent areas of the County unless adequate groundwater supplies are available to serve both the existing uses within the affected groundwater basin and the proposed uses. The economic, social, and environmental benefits of maintaining viable agriculture in San Diego County are expressly recognized in the adoption of this ordinance.

Sec. 67.703 Definitions.

The following words shall have the meaning provided in this section. These definitions are to be broadly interpreted and construed to promote maximum conservation and prudent management of the groundwater resources within San Diego County.

Director: The Director of Planning and Land Use.

Groundwater Investigation: A study designed to evaluate geologic and hydrologic conditions, prepared in accordance with standards approved by the Director. The study must be prepared by a California State Registered Geologist or Registered Civil Engineer and be approved by the Director. The Director may require the study to demonstrate the groundwater adequacy of the basin to serve both the project and the entire basin if developed to the maximum density and intensity permitted by the general plan. For residential uses, the study shall assume an annual consumptive use requirement of 0.5 acre-feet (163,000 gallons) of water per dwelling unit. (Consumptive use is the amount of water lost from the groundwater resource due to human use, including evaporation and transpiration (plant use) losses associated with human use.)

Water Intensive Use: Any land use that requires a permit listed in Section 67.711 and is not exempt from this ordinance, and that will require more water than 20 acre-feet per year or more than 20,000 gallons per day.

Water Service Agency: Any city, mutual or municipal water district, or any other private or public agency which provides water at retail from either: (1) groundwater resources, to two or more users; or (2) imported water resources. Such water service agency must be in existence prior to the date of submittal of any project relying on service from that agency.

Well Test: The production procedure, reviewed and approved by the Director, by which water is produced from a water well and resulting water levels are monitored. If the results of the testing are inconclusive or improperly conducted, additional testing will be required. Additional detail on well testing requirements is provided within the "County ~~Guidelines~~ Standards For Site Specific Hydrogeologic Investigations". (All wells must have a valid San Diego County Health Department well permit prior to construction.)

- I. Residential Test By Registered Geologist: A test of a residential well by a California State Registered Geologist shall meet or exceed the following minimum requirements unless the Director has first approved an alternate procedure:
 - a. Well production must be no less than three gallons per minute;
 - b. The test must be conducted over a period of time to produce at least two full well bore volumes of water (a bore volume is that quantity of water which is stored within the saturated portion of the drilled annulus of the well); and
 - c. Water level must recover 90 percent of total drawdown within 12 hours of termination of production.
2. Residential Test by Registered Drilling Contractor C-57 or Registered Pump Contractor C-61: A test of a residential well not conducted by a California State Registered Geologist shall be conducted by a licensed California drilling contractor, provided that:
 - a. The test conforms with the three minimum production requirements stated above; and
 - b. The test is being performed in connection with an application for a Tentative Map or Tentative Parcel Map for a single-family residential subdivision which meets the minimum parcel size requirements established in Section 67.722.A of this Chapter.
3. Nonresidential Test: A test of a well for a nonresidential project (such as a golf course) shall be in accordance with procedures approved by the Director and will generally be more extensive than the above (such as a 24-hour pump test).

Article 2. General Regulations

Sec. 67.710 Director to Enforce.

The Director shall have the authority to enforce all the provisions of this Chapter. The Director may designate the County Groundwater Geologist as the employee responsible for implementing this Chapter, to:

1. Review and perform groundwater studies.
2. Conduct research on the groundwater resources of the County.
3. Review and make recommendations on all discretionary projects which fall under this ordinance.
4. Monitor and maintain files on the status of the resource.

5. Assist consultants, community groups, water service agencies and residents of the County in assessing groundwater concerns.
6. Identify groundwater impacted basins.
7. Prepare recommended revisions to the Groundwater Limitations Map.

Sec. 67.711 Application.

Prior to approval of any of the following discretionary land development applications for a project which proposes the use of groundwater (hereinafter referred to as "Projects"), the applicant shall comply with the provisions of Article 3 below:

General Plan and Specific Plan Adoptions and Amendments
Tentative Parcel Maps
Tentative Maps
Revised Tentative Parcel Maps and Revised Tentative Maps
(Review shall exclude areas unaffected by the revisions proposed by the Revised Map)
Expired Tentative Parcel Maps and Expired Tentative Maps
Zoning Reclassifications Amending Use Regulations Applicable to
Particular Property
Major Use Permits
Major Use Permit Modifications
(Review shall exclude areas unaffected by the proposed modifications)
Certificates Of Compliance filed pursuant to San Diego County
Code Sections 81.616.1 or 81.616.2 (Excluding Condominium Conversions)

**Article 3.
Development Criteria**

Sec. 67.720 Borrego Valley.

For any project located within Borrego Valley as shown on the map entitled "Borrego Valley Exemption Area" on file with the Clerk of the Board of Supervisors as Document No. 745855A, any application listed in Section 67.711 which either (1) includes a water-intensive use, or (2) consists of a total project area of 100 acres or more, and any application for a General Plan Amendment, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds that based upon the Groundwater Investigation, groundwater resources are adequate to meet the groundwater demands of the project.

Sec. 67.721 Groundwater Impacted Basins.

- A. Identification and Mapping. Areas within the County which are characterized by one or more of the following groundwater problems shall be known as Groundwater Impacted Basins and shall be identified and mapped:
1. Low yielding wells having an overall average yield of less than 3 gallons per minute.
 2. Basins with previously approved developments at a parcel size smaller than those stated in the table in paragraph A of Section 67.722 and in excess of available water resources.
 3. Declining groundwater levels and a measurable groundwater overdraft.

The Groundwater Impacted Basins shall be designated on a map known as the "Groundwater Limitations Map" which shall be adopted by the Board of Supervisors and kept on file with the

Clerk of the Board of Supervisors. Prior to adding any area to said map or making any deletions from or revisions to said map, the Board of Supervisors shall hold a public hearing. Notice of such hearing shall be mailed at least 30 days in advance, to the owner (as shown on the latest equalized assessment roll) of any property proposed to be added to or deleted from said map. The Director of Planning and Land Use shall annually review said map and may recommend such revisions as the Director finds appropriate.

- B. Regulations. Any application listed in Section 67.711 for a project within a Groundwater Impacted Basin shall be accompanied by a Groundwater Investigation. In addition, a Well Test shall be performed for each lot proposed to be created by or included within the project. The application shall not be approved unless the approving authority finds that based upon the Groundwater Investigation, groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

67.722 All Other Projects.

Any application listed at Section 67.711 for a project not subject to Section 67.720 or Section 67.721, which proposes the use of groundwater not provided by a Water Service Agency, for all or any portion of the project, shall comply with the following regulations:

A. Residential Density Controls.

1. Tentative maps, Tentative Parcel Maps, and Certificates of Compliance proposing parcels for single-family dwellings must comply with the minimum parcel sizes set forth in the following table:

<u>Mean Annual Precipitation</u> <u>Precipitation*</u> (inches)	<u>Minimum Parcel Size**</u> (Gross Acres)
Less than 9	20
9 to 12	15
12 to 15	11
15 to 18	8
18 to 21	5
More than 21	4

* Mean annual precipitation is to be determined from the County of San Diego map entitled "Groundwater Limitations Map" on file with the Clerk of the Board of Supervisors as Document No. 745855B.

** Compliance with the minimum parcel size does not guarantee project approval; site-specific characteristics may indicate that either larger parcel sizes are required or that the project should not be approved in individual cases.

2. The provisions of paragraph 1 above shall not apply to a project which includes Lot Area Averaging in accordance with Section 4230 of The Zoning Ordinance, provided that all of the following are complied with:
- The overall average density of the project does not exceed that which results from applying the applicable minimum parcel size set in paragraph 1 to the gross project area;
 - No proposed lot is less than 67 percent of the required minimum lot size as set in paragraph 1; and

- c. The Director has reviewed and approved the lot density and water resource distribution. Projects shall not be allowed which place smaller lots in dry areas of the subdivision.

B. Groundwater Investigations.

Any application listed in Section 67.711 and not subject to Sections 67.720, 67.721 or Paragraph A above, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds, based upon the Groundwater Investigation or other available information, either: (1) for a water intensive use, that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan; or (2) for all other projects, that groundwater resources are adequate to meet the groundwater demands of the project.

C. Well Tests.

For any application for a Tentative Map, Specific Plan or Specific Plan Amendment, Tentative Parcel Map, or a Certificate of Compliance, well tests shall be performed for the number of lots shown in the following table. Tests shall be on lots which appear to have the least access to a viable groundwater supply as determined in advance of testing by the Director, who shall also specify nearby wells to be monitored while the testing is being conducted:

<u>Number of Proposed Lots*</u>	<u>Number of Required Well Tests</u>
1 through 10	1
11 through 20	2
21 through 30	3
31 through 40	4
Greater than 40	5

* Excluding remainder parcels and "not a part" areas

Sec. 67.750 Exemptions.

- (a) A proposed subdivision which pursuant to the terms of Government Code Section 66424 or 66426 is exempt from the requirement to file a Tentative Map or Tentative Parcel Map is not subject to this ordinance unless it also involves an application for a General Plan or Specific Plan adoption or amendment, a zoning reclassification, or a Major Use Permit or modification thereof.
- (b) The following Major Use Permits or Major Use Permit modifications are exempt from this ordinance:
 - (1) Those involving the construction of agricultural and ranch support structures used in the production, storage, or processing of food, fiber, and flowers, including but not limited to roadside stands, barns, sheds, packing houses, and greenhouses, modifications to existing permitted dairies that would not increase either the number of cows or amount of water demand, except that this exception does not apply to feed lots.
 - (2) Those involving new or expanded agricultural land uses, including but not limited to changes in commodities produced on the property, operations performed upon such commodities, and development of additional irrigated acreage on the property unless accompanied by subdivision.

This agricultural exemption does not supersede or limit the application of any law or regulation otherwise applicable to the above-listed categories of agricultural support activities including the

California Environmental Quality Act. For purposes of this exemption, "agricultural and ranch support structures" do not include the commercial exportation of groundwater for purposes of resale outside the basin.

- (c) The Director may grant an exemption from the requirement for a Groundwater Investigation imposed by Section 67.720, 67.721 or 67.722.B, the requirement for Well Tests imposed by Section 67.721 or 67.722.C, or the requirement for minimum parcel sizes imposed by Section 67.722.A, upon a finding that existing data clearly demonstrate that the finding required by Section 67.722.B. can be made without additional study. Such data may include a recent history (minimum of five years) of groundwater withdrawals or streamflow data and other geomorphic evidence which indicates that replenishment of groundwater resources is rapid and reliable, and is controlled primarily by infiltration of streamflow rather than on-site recharge.

Section 2. Effective date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.